

**UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

UNITED STATES OF AMERICA,

v.

AUSTIN DON HANNASCH,

Defendant.

§
§
§
§
§
§
§
§
§
§
§

Criminal Action No. SA-14-CR-586-XR

ORDER

The Defendant pled guilty to Making Counterfeit Federal Reserve Notes in violation of 18 U.S.C. §471. He was set for sentencing on June 17, 2015. He has been in confinement since August 6, 2014 in the Central Texas Detention Facility (GEO). During the sentencing hearing the Court was informed that the Defendant has been diagnosed with gynecomastia, that the condition was very painful, and that the Defendant has been unsuccessful in obtaining treatment, even though his parents are willing to pay for the procedure. The Defendant's counsel requested that the Defendant be released and allowed to self-surrender to a BOP facility after any medical procedure had been completed.

The Court continued the hearing and deferred sentencing the Defendant because counsel could not answer questions such as where the procedure would be done, how long it would take and how much recovery time was required, etc. Counsel requested that a private medical doctor be allowed to visit the Defendant at the GEO facility to re-assess the Defendant and provide answers to the questions raised by the Court. Defense counsel arranged for Michael Baumholtz, M.D., a board certified surgeon, to examine the Defendant at the GEO facility. Either GEO

and/or the United States Marshal's Service denied Dr. Baumholtz entry into the facility to conduct the medical evaluation.

The limited documentation provided to the Court seems to indicate that either GEO and/or the USMS summarily decided that his condition is only a cosmetic issue and there is a lack of medical necessity for any additional treatment. This statement, however, is contradicted by the medical opinion rendered by Alberto Madrid, M.D. on March 30, 2015. Dr. Madrid stated at that time: "in light of this patient's history of significant breast pain, analgesic therapy is warranted. If the gynecomastia becomes a significant cosmetic issue, surgical consultation is warranted." It appears that on or about April or May, 2015, GEO was considering sending the Defendant to University Hospital for a general surgery consult, but USMS HQ Medical denied the authorization.

The USMS's refusal to let Dr. Baumholtz examine the Defendant at the GEO facility AT NO COST TO THE U.S. GOVERNMENT defies commonsense. The USMS and GEO are ORDERED to allow Dr. Baumholtz entry into the GEO facility for the purpose of conducting a medical examination of the Defendant.

SIGNED this 14th day of July, 2015.

A handwritten signature in black ink, appearing to be "Xavier Rodriguez", with a stylized, cursive script.

XAVIER RODRIGUEZ
UNITED STATES DISTRICT JUDGE